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SUPREME COURT DECISIONS

Two Cases on Rights of States to Tax Out-of-State Corporations Reviewed

The United States Supreme Court recently decided two tax cases of interest to canners. In one case, the privilege tax imposed by North Carolina on sample displays by companies from outside the State was declared invalid; in the other, the Court sustained the tax imposed by the State of Wisconsin on dividends received from out-of-State corporations which received income from within the State.

In *Best & Co. v. Maxwell*, decided December 23, 1940, the Court unanimously held invalid, under the commerce clause of the Constitution, a North Carolina statute that barred any person or company, not a regular retail merchant in the State, from displaying samples in any hotel room or other temporarily rented quarters for the purpose of securing retail orders, unless such person or company paid a privilege tax of \$250. The Court pointed out in its opinion that the tax would not apply to any competitor who had an establishment in North Carolina but that

"Non-residents wishing to display their wares must either establish themselves as regular North Carolina retail merchants at prohibitive expense, or else pay this \$250 tax that bears no relation to actual or probable sales but must be paid in advance no matter how small the sales turn out to be. Interstate commerce can hardly survive in so hostile an atmosphere

"The freedom of commerce, which allows the merchants of each State a regional or national market for their goods, is not to be fettered by legislation, the actual effect of which is to discriminate in favor of intrastate business, whatever may be the ostensible reach of the language."

This decision is expected to prove helpful in forestalling the enactment of other statutes of this type applicable not only to retail selling but also to other types of business.

In *Wisconsin v. J. C. Penney Co.*, decided December 16, 1940, a divided Court by a vote of five to four sustained the constitutionality of a Wisconsin statute that levied a tax on the privilege of declaring and receiving dividends from foreign corporations any part of whose income was derived from property located or because transacted in Wisconsin.

Convention Programs to be Mailed Soon

The program for the Thirty-fourth Annual Convention of the National Canners Association will be printed and mailed to members of the Association in advance of the Convention. This will enable canners to study the program and to make plans for the best use of their time during Convention week.

The statute was attacked on the ground that it represented an attempt by Wisconsin to tax stockholders and property outside the State. The majority of the Court, speaking through Mr. Justice Frankfurter, pointed out that the tax was limited to the amount of earnings attributable to Wisconsin activities and held that its practical operation was to impose an additional income tax on such earnings within Wisconsin and merely to postpone the liability until dividends were declared out of such earnings.

In a vigorous dissent, Mr. Justice Roberts, speaking for Chief Justice Hughes, Mr. Justice McReynolds, and Mr. Justice Reed, urged that the tax should be held invalid because it was in effect a levy upon the stockholders of a foreign corporation who were not residents of Wisconsin.

FOOD LAW OPINIONS

Excerpts from Food and Drug Administration Correspondence on Labeling

Excerpts from recent correspondence of the Food and Drug Administration dealing with labeling opinions made available recently refer to variety designation of artichokes, ingredient statement in canned applesauce, indication of other than cornstarch, and declaration of ingredients in marmalades. Excerpts from these particular opinions of the Administration are reproduced below:

Artichokes, manner of declaring variety by common name in ingredient statement of food products—Correspondent requested an elaboration of the Administration's position on the nomenclature of artichokes. Previous correspondence on this subject had brought out that the Jerusalem artichoke and the globe artichoke are not the same; the globe artichoke being the same as the artichoke from the leafy vegetable.

"As we understand your letter, the specific question which you feel has not yet been answered is: 'Is it necessary to place on the package or box of any artichoke food product the name or variety of artichoke that is used in that food product?'

"The Food, Drug, and Cosmetic Act specifically requires that the label of a fabricated food among other things must list the ingredients by their *common or usual names*. Your question thus resolves itself into what is the common or usual name of each of the two distinct articles of food, the leafy vegetable and the tuber. Without questioning your figures as to the increasing consumption in this country of Jerusalem artichokes, the fact remains that the artichoke most familiar to the consuming public is the undeveloped blossom of the leafy artichoke plant which is commonly and usually referred to simply as 'artichoke.'

"Since unquestionably the unqualified term 'artichoke' is the common or usual name for the leafy vegetable, it must be conceded that no authority exists for denying the manufacturers of bakery products containing the leafy artichoke the

right to describe the ingredient on labels for such bakery products by the unqualified name 'artichoke.' Applying the same common or usual name doctrine in the case of Jerusalem artichoke, labels of bakery products containing that article as an ingredient would bear the designation 'Jerusalem Artichoke' the common or usual name for the tuber, thus accomplishing what you are interested in effecting—a distinction between the common artichoke and the Jerusalem artichoke. Of course, if the Jerusalem artichoke used is a new and improved variation of the Jerusalem artichoke to which the word American has been associated, there is no objection to making a statement to that effect, as for example, 'American type of Jerusalem Artichoke' or 'American (Jerusalem) Artichoke.'

Ingredient statement required on canned applesauce— Correspondent inquired whether it is necessary to declare the ingredients present in canned applesauce.

"Section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act requires the declaration of ingredients on the labels of food products which consist of more than one ingredient, with the exception of those products for which standards have been promulgated under the terms of Section 401, or which have been temporarily exempted under the terms of Section 902 (a) (2) pending formulation of such standards.

"No standard of identity has been promulgated for canned applesauce nor has this product been temporarily exempted, and therefore the terms of 403 (i) (2) requiring declaration of ingredients would apply."

"Starch" unqualified in ingredient statement indicates cornstarch to average purchaser; if other starch is used, desirable to indicate type.

"We have your letter requesting information on the labeling of chocolate desserts containing different kinds of starches. You asked whether it is necessary to list the different starches or if it is sufficient to state 'includes starch.'

"Where starch is used in a food for which a definition and standard has been established in accordance with Section 401 of the Act, a declaration of the starch need only be made if the standard definitely requires such declaration. In that event, the declaration should be in terms specified in the standard.

"No standards have been established for chocolate desserts. Section 403 (i) (2) requires that in the case of unstandardized food products, the ingredients be declared in terms of their common or usual names. There has as yet been no court interpretation of the meaning of the words 'common or usual name.' It might be argued that the mere word 'starch' is the common or usual name of all starch regardless of its source. On the other hand, the courts may hold that the kind of starch is necessarily a part of the common or usual name. We are disposed to believe that the unqualified name 'starch' means cornstarch to the average purchaser, and we have no disposition therefore to object to the use of the name 'starch' without further indication of the source of the material on chocolate desserts made with cornstarch. Where starch from some other source is employed, however, we believe it would be wise for you to indicate the type of starch actually employed. In this connection we refer you to Section 201 (n) of the statute.

Marmalade not included among standards promulgated; ingredients statement required.

"* * * Marmalade not included among definitions and standards for preserves and jellies effective December 4, 1940. Marmalades under Federal Food, Drug, and Cosmetic Act should therefore be labeled with statement of ingredients."

SPECIAL STORM DAMAGE REPORT

Late-December Wind and Rain Injure Florida and Texas Fruits and Vegetables

Heavy rain and wind December 26-27 damaged vegetables in the Lake Okeechobee section and on the Lower East Coast of Florida. At the same time, strong winds whipped much citrus fruit from the trees in the Lower Rio Grande Valley of Texas, the Agricultural Marketing Service reported December 30.

The Florida rainfall was as much as 3 to 4 inches in some localities. At Pompano, snap beans and green peppers were damaged 15 per cent. In the Lake Okeechobee section, the loss of snap beans may possibly be as much as 15 per cent. Vegetables in Dade County were injured about 10 per cent. More than half of the Collier County tomatoes are believed to be lost. Ft. Pierce tomatoes suffered only slight injury.

In Texas, winds averaged about 40 miles an hour, with occasional stronger gusts. A preliminary survey indicates that probably about 25 per cent of the grapefruit, 35 per cent of the remaining early oranges, and 10 per cent of the Valencia oranges were blown from the trees. But the trees, apparently, were uninjured by the wind. Every effort is being made to salvage the fallen fruit. Packing sheds operated Sunday and processors are working night and day. Unless unusually warm weather develops to affect bruised spots, all grapefruit will be utilized. Some loss of early and navel oranges, including limb bruised but unfallen fruit, seems inevitable unless the fruit can be sold soon in nearby markets. Valencia oranges show less limb scars, and with fallen fruit within maturity requirements, all may be utilized.

Annual Report of Bureau of Fisheries Published

The final annual report of the Bureau of Fisheries as an independent agency, made public on December 20, emphasizes the availability of the fishery industry's equipment for defense service and calls attention to the fact that supervision over the Alaska salmon catch also comprises an important defense factor. The report covers the fiscal year ended June 30, 1940. Since that date the Bureau has been consolidated with the Bureau of Biological Survey to form the Fish and Wildlife Service of the Department of the Interior.

In calling attention to the defense factor embodied in the regulation of the Alaska salmon catch, the report points out that the pack of salmon was increased 25 per cent in the one year between 1916 and 1917, to meet the last World War emergency. "This increased production on short notice," the report explains, "is indicative of the ability of the Bureau so to regulate these fisheries as constantly to maintain a reserve upon which to draw. The Bureau has remained cognizant of the real and potential value of this vast resource entrusted to its keeping and has constantly maintained a balance sufficient that, should the need arise, production can again be stepped up to the required level."

The report covers the activities of the various scientific laboratories of the Bureau, details of the expansion of its facilities, and data on the 1938 catch and production of fishery products.

STATE LEGISLATURES MEET

Model Food Bills Proposed May Vary Considerably from Federal Act

With legislatures of some 40-odd States meeting in 1941, there probably will be introduced many model or uniform food, drug, and cosmetic bills. These bills will be presented with the declared purpose of supplementing and bringing the various State statutes into conformance with the new Federal Food, Drug, and Cosmetic Act. However, as the Association pointed out in a bulletin on *Proposed State Food and Drug Legislation*, which was mailed to canners in February, 1939, these bills may vary from the provisions of the Federal law in many respects vital to canners.

Canners will find it advisable to examine carefully the sections of food bills dealing with definitions and standards, registration of trade-marks or brand names, relation to Federal law and legislative intent, guarantees, shipment of unlabeled products, and emergency permit control. These and other sections of such bills of interest to the industry are discussed in the Association bulletin referred to above, a few copies of which are still available.

Listed below are the States whose legislatures will hold regular sessions in 1941, together with their convening dates.

| | | | |
|------------------|---------|---------------------|---------|
| Arizona..... | Jan. 13 | New Hampshire..... | Jan. 1 |
| Arkansas..... | Jan. 13 | New Jersey..... | Jan. 14 |
| California..... | Jan. 6 | New Mexico..... | Jan. 14 |
| Colorado..... | Jan. 1 | New York..... | Jan. 1 |
| Connecticut..... | Jan. 8 | North Carolina..... | Jan. 8 |
| Delaware..... | Jan. 7 | North Dakota..... | Jan. 7 |
| Florida..... | April 8 | Ohio..... | Jan. 6 |
| Georgia..... | Jan. 13 | Oklahoma..... | Jan. 7 |
| Idaho..... | Jan. 6 | Oregon..... | Jan. 13 |
| Illinois..... | Jan. 8 | Pennsylvania..... | Jan. 7 |
| Indiana..... | Jan. 9 | Rhode Island..... | Jan. 7 |
| Iowa..... | Jan. 13 | South Carolina..... | Jan. 14 |
| Kansas..... | Jan. 14 | South Dakota..... | Jan. 7 |
| Maine..... | Jan. 1 | Tennessee..... | Jan. 6 |
| Maryland..... | Jan. 1 | Texas..... | Jan. 14 |
| Mass..... | Jan. 1 | Utah..... | Jan. 13 |
| Michigan..... | Jan. 1 | Vermont..... | Jan. 8 |
| Minnesota..... | Jan. 7 | Washington..... | Jan. 8 |
| Missouri..... | Jan. 8 | West Virginia..... | Jan. 8 |
| Montana..... | Jan. 6 | Wisconsin..... | Jan. 8 |
| Nebraska..... | Jan. 7 | Wyoming..... | Jan. 14 |
| Nevada..... | Jan. 20 | | |

Surplus Foods Designated for January

Fresh grapefruit, pears, apples, and oranges, and dry edible beans are among the agricultural commodities and products designated as surplus foods for exchange under the food stamp program for blue surplus food order stamps during the month of January, according to announcement this week by the Surplus Marketing Administration.

The complete list of surplus foods available in all stamp plan areas is as follows: butter, raisins, rice, pork lard, pork, corn meal, shell eggs, dried prunes, hominy (corn) grits, dry edible beans, wheat flour and whole wheat (Graham) flour, onions (except green onions), fresh cabbage, Irish potatoes, fresh oranges, fresh apples, fresh pears, and fresh grapefruit.

In addition to these foods, fresh carrots are available in eligible retail food stores participating in the plan in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Additional Land Grant Claim Releases Approved

Approval of land grant claim releases submitted by the Grand Trunk Western Railroad Company, the Chicago and North Western Railway Co., the Wisconsin Central Railway Co. which is operated as a part of the "Soo Line," and the Central of Georgia Railway Co., under which the roads may take advantage of increased rates for certain government freight and passenger business in territories covered by the releases, has been announced by the Department of the Interior. Land grant claim releases submitted by the Southern Pacific Railroad and by the St. Louis-San Francisco Railway Co. also have been announced.

The land grant territory covered in the Grand Trunk Western release embraces the area traversed by its predecessor, the Port Huron and Lake Michigan Railroad Company, from Port Huron to Flint, Mich., a distance of approximately 60 miles.

The Chicago and North Western release covers land grant territory of its predecessor, the Winona and St. Peter R. R. Co., from Winona, Minn., by way of St. Peter, Minn., to the Big Sioux River, near Watertown, S. Dak.

The land grant territory covered in the Central of Georgia release embraces the area traversed by its predecessor, the Mobile and Girard Railroad Co., from Girard to Troy, in Alabama.

The Wisconsin central release covers territory from Portage through Stevens Point to Ashland, Wisconsin.

The land grant territory embraced in the Southern Pacific release includes areas traversed by its predecessor, the Central Pacific Railroad Company, from Sacramento, California, eastward to a junction with the Union Pacific Railway near Ogden, Utah; the main line of the Southern Pacific from San Jose through Mohave to Needles, California; and the branch line of the Southern Pacific from Mohave by way of Los Angeles to the Colorado River, at Yuma, Arizona.

The release also affords opportunity for the initiation of increased rates in territory traversed by the Oregon and California Railroad from Portland through Ashland, Oregon, to the California State line; and the California and Oregon Railroad from Roseville, California, northerly to a junction with the Oregon and California at the Oregon State line.

The release of the St. Louis-San Francisco Company covers land grant territory traversed by its predecessor, the Pacific Railroad, Southwest Branch, from Pacific, Missouri, through Springfield, Missouri, to the State line.

Although formal approval of the land grant claim releases submitted by the railroads paves the way for the initiation of increased rates for Government business, the Department of the Interior has emphasized that it maintains no jurisdiction over the matter of railroad rates or the date upon which increases may be put into effect.

Order Issued Against Missouri Brokerage Company

The Federal Trade Commission has issued an order directing T. A. Ward, Carr Ward, and Wilma Ward, trading as Minetree Brokerage Company, Poplar Bluff, Mo., to cease and desist from violation of the brokerage provision of the Robinson-Patman Act in the sale of merchandise, particularly foodstuffs.

Commission findings are that the Poplar Bluff Wholesale

Grocery Company, in which the respondents T. A. and Wilma Ward own 88 per cent of the outstanding capital stock and of which they are officers, places orders for a substantial portion of its merchandise requirements, particularly food-stuffs, with sellers through the respondent brokerage firm of T. A. Ward, Wilma Ward, and Carr Ward, trading as Minetree Brokerage Company.

Census Reports on 1939 Cannery Statistics

Canneries producing canned and dried fruits and vegetables (including canned soups) reported moderate decreases in employment and wages, and a slight decrease in production for 1939 as compared with 1937, according to preliminary figures compiled from returns of the census of manufactures for 1939 and released December 30 by the Bureau of the Census.

This industry, as constituted for census purposes, embraces establishments primarily engaged in the drying or canning of fruits and vegetables, including the canning of soups other than chicken soup, which is classified separately.

The wage earners primarily engaged in manufacturing in this industry in 1939 were 98,022, a decrease of 17.9 per cent compared with 119,379 reported for 1937, and their wages, \$65,234,801, were less than the 1937 figure, \$78,200,940, by 16.6 per cent. These decreases may be partially accounted for by the fact that the 1939 census of manufactures questionnaire, for the first time, called for personnel employed in distribution, construction, etc., activities separately from the manufacturing employees of the plants. It is not known how many of the wage earners reported for 1937 were engaged in distribution and construction and how many were engaged in manufacturing. Employees of the plants reported as engaged in distribution and construction activities in 1939 are not included in this preliminary report but will be included in the final report.

The value of products of the industry for 1939 amounted to \$587,343,024, a decrease of 6.8 per cent compared with \$629,882,191 reported for 1937.

Summary statistics for the industry for 1939 and 1937 are given in the following table. All figures for 1939 are preliminary and subject to revision. Because they account for a negligible portion of the national output, plants with annual production valued at less than \$5,000 have been excluded since 1919.

| | 1939 | 1937 | Per Cent of Decrease |
|----------------------------------------------------------------------------------------|---------------|---------------|----------------------|
| Number of establishments..... | 2,007 | 2,213 | -9.3 |
| Salaried personnel *..... | 7,585 | 8,501 | -11.4 |
| Salaries * *..... | \$13,805,535 | \$15,219,410 | -9.3 |
| Wage earners (average for the year) *..... | 98,022 | 119,379 | -17.9 |
| Wages * *..... | \$65,234,801 | \$78,200,940 | -16.6 |
| Cost of materials, supplies, fuel, purchased electric energy, and contract work *..... | \$356,280,508 | \$390,930,484 | -8.9 |
| Value of products *..... | \$587,343,024 | \$629,882,191 | -6.8 |
| Value added by manufacture *..... | \$231,062,516 | \$238,951,707 | -3.3 |

* No data for employees of central administrative offices are included.

* Profits or losses cannot be calculated from the census figures because no data are collected for certain expense items, such as interest, rent, depreciation, taxes, insurance, and advertising.

* The item for wage earners is an average of the numbers reported for the several months of the year and includes both full-time and part-time workers. The quotient obtained by dividing the amount of wages by the average number of wage earners should not, therefore, be accepted as representing the average wage received by full-time wage earners.

* Value of products less cost of materials, supplies, fuel, purchased electric energy, and contract work.

Financial Statistics for Cane Sugar Refiners

Financial statistics from combined reports of seven of the more important cane sugar refining corporations have been issued in a report by the Federal Trade Commission as one of its collection of annual financial reports from a large number of industrial corporations operating in many of the principal industries of the United States. The report is entitled "Cane Sugar Refining Corporations" and a few copies are available for distribution by the Commission.

Indexes of Employment and Prices

The wholesale price index for all commodities rose .2 of a point during the week ending December 28, 1940, leaving it .5 of a point higher than for the corresponding date in 1939, according to the Bureau of Labor Statistics. The all-foods index declined .3 of a point during the week, but it remained 1.2 points higher than it was a year ago.

The employment and payrolls indexes for all industries rose .7 and .2 of a point, respectively, from October to November, 1940, standing 6.8 and 13.0 points above their comparable 1939 levels. The employment and payrolls indexes for the canning and preserving industries showed their usual seasonal decline during the month, remaining at about the same level they were in November, 1939.

In the following tables, derived from the Bureau of Labor Statistics reports, the employment and payroll indexes are based on the average for the years 1923-25 taken as 100 per cent, while for the wholesale price indexes the average for the single year 1926 is taken as 100 per cent.

| | Employment | | | Payrolls | | |
|------------------------|------------|-----------|-----------|-----------|-----------|-----------|
| | Nov. 1940 | Oct. 1940 | Nov. 1939 | Nov. 1940 | Oct. 1940 | Nov. 1939 |
| All industries..... | 110.7 | 110.0 | 103.9 | 114.7 | 114.5 | 101.7 |
| Canning and preserving | 125.0 | 201.5 | 121.2 | 102.4 | 170.5 | 101.2 |

| | Wholesale Prices | | | | | |
|----------------------|------------------|---------------|---------------|--------------|---------------|---------------|
| | Dec. 28, 1940 | Dec. 21, 1940 | Dec. 14, 1940 | Dec. 7, 1940 | Nov. 30, 1940 | Dec. 30, 1939 |
| All commodities..... | 79.9 | 79.7 | 79.7 | 79.8 | 79.7 | 79.4 |
| All foods..... | 73.1 | 73.4 | 73.5 | 73.9 | 73.3 | 71.9 |

Food Section Adds Restaurant Liaison Agency

The Food and Food Products Section of the Production Division of the National Defense Advisory Commission has added two men to the staff of the Food Section to serve as a liaison agency for the restaurant and allied food industries with the War Department. The men are Horace L. Gardner of New York City and Clyde Davis of Wilkes Barre, Pa. They will be on the staff of George M. Moffett, director of the Food and Food Products Section.

Mr. Gardner has been a director of the National Restaurant Association for the past six years, and Mr. Davis was formerly general manager of the Percy A. Brown Co., of Wilkes Barre.

1940 Yearbook of Agriculture Published

Devoted to a discussion of the social sciences as they relate to agriculture and the farm, the 1940 Yearbook of the Department of Agriculture has been published and is for sale at \$1.50 by the Superintendent of Documents, Washington, D. C.

EXPORTS AND IMPORTS OF CANNED FOODS

Exports during November 1940 of condensed and evaporated milk, sardines, shellfish other than shrimp, and most fruit juices were the only United States commodities that were larger, on the basis of weight, than in the corresponding month of 1939, according to Department of Commerce statistics. During the 11-month period, January to December, exports of canned vegetables, condensed and evaporated milk, salmon, sardines, other fish, pineapple

juice, and miscellaneous fruit juices were larger in 1940 than in 1939. The increases in amounts of exports of both vegetables and evaporated milk were considerable.

The following table, compiled from figures of the Department, shows details of exports and imports of canned foods during November 1939 and 1940, and during the first eleven months of these two years:

| Exports | November, 1939 | | November, 1940 | | Jan.-Nov., 1939 | | Jan.-Nov., 1940 | |
|-------------------------------------|----------------|-----------|----------------|-----------|-----------------|-------------|-----------------|-------------|
| | Pounds | Value | Pounds | Value | Pounds | Value | Pounds | Value |
| Meat, total..... | 839,008 | \$258,377 | 544,344 | \$142,673 | 12,918,044 | \$3,984,131 | 10,100,166 | \$2,600,342 |
| Beef, corned, etc..... | 93,662 | 20,532 | 15,419 | 2,967 | 397,303 | 80,303 | 310,567 | 64,779 |
| Other beef..... | 32,383 | 13,499 | 17,789 | 6,599 | 1,016,003 | 390,476 | 403,585 | 126,092 |
| Pork..... | 512,930 | 170,295 | 308,347 | 89,617 | 8,073,098 | 2,707,957 | 6,464,435 | 1,799,838 |
| Sausage..... | 122,181 | 37,979 | 89,067 | 20,809 | 1,667,734 | 471,710 | 1,160,166 | 315,196 |
| Other meat..... | 77,832 | 16,072 | 113,722 | 22,651 | 1,763,906 | 324,684 | 1,821,413 | 354,437 |
| Vegetables, total..... | 5,835,814 | 372,945 | 4,142,188 | 285,698 | 48,408,084 | 4,004,008 | 75,981,728 | 4,506,613 |
| Asparagus..... | 347,908 | 52,040 | 219,750 | 37,514 | 11,536,922 | 1,667,038 | 4,258,328 | 657,035 |
| Beans, baked and with pork..... | 1,058,329 | 43,359 | 195,905 | 9,975 | 5,911,335 | 245,586 | 30,880,723 | 1,269,021 |
| Corn..... | 157,404 | 10,236 | 225,490 | 13,960 | 2,678,099 | 186,282 | 1,650,580 | 112,666 |
| Peas..... | 372,428 | 28,480 | 314,262 | 23,780 | 5,157,490 | 354,794 | 3,759,978 | 293,117 |
| Soups..... | 2,252,505 | 136,684 | 312,525 | 29,232 | 8,651,909 | 654,138 | 6,803,330 | 509,709 |
| Tomatoes..... | 579,880 | 27,408 | 528,855 | 21,148 | 2,469,659 | 130,797 | 10,993,549 | 510,907 |
| Tomato paste and puree..... | 427,576 | 29,038 | 1,042,432 | 58,106 | 3,206,726 | 209,856 | 9,466,503 | 575,921 |
| Tomato juice..... | 177,448 | 9,642 | 188,258 | 11,025 | 3,229,915 | 187,562 | 1,882,457 | 119,674 |
| Other vegetables..... | 462,246 | 36,058 | 1,105,741 | 80,908 | 5,536,629 | 467,956 | 6,286,280 | 518,563 |
| Condensed milk..... | 144,883 | 18,148 | 4,346,506 | 502,845 | 2,147,852 | 239,741 | 24,090,868 | 2,763,828 |
| Evaporated milk..... | 1,875,853 | 126,337 | 6,034,490 | 453,769 | 24,882,192 | 1,629,455 | 114,313,800 | 7,379,111 |
| Fish: | | | | | | | | |
| Salmon..... | 2,985,028 | 532,775 | 1,330,715 | 168,931 | 38,234,325 | 6,074,536 | 53,690,011 | 9,580,959 |
| Sardines..... | 7,328,282 | 508,764 | 4,964,879 | 325,818 | 50,625,201 | 3,432,578 | 59,194,606 | 4,263,149 |
| Other fish..... | 273,243 | 22,987 | 143,166 | 16,102 | 1,846,520 | 168,524 | 4,550,542 | 393,816 |
| Shellfish— | | | | | | | | |
| Shrimp..... | 436,920 | 51,994 | 157,423 | 25,269 | 5,701,536 | 885,018 | 2,124,188 | 321,138 |
| Other shellfish..... | 48,985 | 9,482 | 69,767 | 11,301 | 892,623 | 137,564 | 711,258 | 117,912 |
| Fruits, total..... | 24,589,313 | 1,773,732 | 2,186,188 | 187,742 | 348,421,515 | 24,083,349 | 123,871,368 | 9,161,840 |
| Grapefruit..... | 9,861 | 784 | 9,833 | 797 | 46,653,825 | 2,522,147 | 39,788,751 | 2,568,388 |
| Loganberries..... | 119,738 | 8,576 | 1,450 | 112 | 3,967,429 | 308,105 | 360,492 | 27,905 |
| Other berries..... | 50,416 | 5,902 | 43,948 | 5,045 | 1,086,242 | 103,904 | 403,525 | 51,228 |
| Apples and sauce..... | 2,868,668 | 135,454 | 122,591 | 7,393 | 15,806,791 | 681,772 | 2,345,267 | 109,041 |
| Apricots..... | 1,781,145 | 120,921 | 89,960 | 7,148 | 37,741,145 | 2,486,487 | 5,829,711 | 424,115 |
| Cherries..... | 182,117 | 15,686 | 94,531 | 11,301 | 3,304,811 | 307,945 | 840,934 | 92,118 |
| Prunes..... | 773,105 | 35,039 | 29,545 | 2,582 | 1,874,339 | 114,659 | 5,734,860 | 339,883 |
| Peaches..... | 7,042,571 | 447,618 | 572,565 | 39,574 | 90,227,679 | 5,547,684 | 28,835,299 | 1,908,758 |
| Pears..... | 6,472,294 | 491,358 | 320,364 | 29,012 | 73,862,210 | 5,151,699 | 15,268,195 | 1,255,692 |
| Pineapple..... | 1,093,046 | 84,564 | 152,745 | 11,352 | 22,735,632 | 1,744,691 | 6,491,568 | 532,222 |
| Fruit salad and cocktail..... | 3,873,497 | 403,187 | 442,300 | 44,880 | 46,813,158 | 4,739,955 | 15,535,985 | 1,639,833 |
| Other fruits..... | 322,855 | 24,643 | 306,175 | 28,546 | 4,348,234 | 374,301 | 2,436,781 | 212,657 |
| Fruit juices (in gallons): | | | | | | | | |
| Pineapple..... | 14,892 | 8,370 | 89,118 | 38,858 | 744,948 | 407,611 | 766,235 | 365,368 |
| Grapefruit..... | 35,506 | 14,479 | 21,647 | 10,668 | 2,145,764 | 688,093 | 1,903,451 | 648,517 |
| Orange..... | 9,409 | 6,411 | 24,403 | 19,041 | 453,772 | 324,712 | 381,249 | 237,165 |
| Other fruit juices..... | 31,151 | 31,805 | 93,624 | 68,440 | 386,173 | 355,326 | 727,833 | 496,410 |
| Imports | | | | | | | | |
| Meat: | | | | | | | | |
| Beef..... | 4,439,268 | 422,537 | 3,071,777 | 343,414 | 82,511,852 | 8,236,533 | 57,278,530 | 6,465,560 |
| Other meats..... | 10,476 | 2,151 | 5,948 | 1,254 | 172,209 | 46,307 | 66,190 | 19,658 |
| Milk: condensed and evaporated..... | 31,518 | 1,765 | 89 | 9 | 194,160 | 11,113 | 3,263 | 320 |
| Fish— | | | | | | | | |
| Packed in oil— | | | | | | | | |
| Sardines..... | 2,404,631 | 382,110 | 766,089 | 134,447 | 30,182,090 | 4,442,811 | 12,264,692 | 1,900,777 |
| Anchovies..... | 329,491 | 111,434 | 159,576 | 51,360 | 2,238,312 | 806,384 | 2,782,828 | 903,723 |
| Tuna..... | 919,170 | 159,364 | 589,255 | 104,038 | 9,535,022 | 1,558,573 | 7,163,871 | 1,172,118 |
| Other fish in oil..... | 79,500 | 16,402 | 28,379 | 6,837 | 568,905 | 139,435 | 477,950 | 122,154 |
| Other fish not in oil..... | 2,037,788 | 219,448 | 355,289 | 45,767 | 14,401,772 | 1,359,357 | 6,164,102 | 690,603 |
| Caviar and other roe..... | 22,399 | 33,311 | 14,882 | 13,421 | 176,842 | 165,388 | 183,280 | 124,957 |
| Shellfish— | | | | | | | | |
| Crab meat and sauce..... | 2,459,819 | 837,778 | 186,287 | 59,277 | 12,382,775 | 4,208,835 | 11,828,338 | 3,588,862 |
| Clams and oysters..... | 36,047 | 7,899 | 43,982 | 10,047 | 747,757 | 171,354 | 558,489 | 119,829 |
| Lobsters..... | 82,014 | 24,926 | 71,876 | 28,342 | 844,400 | 370,049 | 1,626,157 | 575,078 |
| Other shellfish..... | 764,497 | 89,608 | 610,187 | 76,335 | 12,214,636 | 1,016,489 | 12,204,316 | 1,005,435 |
| Vegetables: | | | | | | | | |
| Peas..... | 22,816 | 2,268 | 6,310 | 537 | 1,092,322 | 119,153 | 136,133 | 8,962 |
| Pimientos..... | 3,750 | 527 | | | 145,976 | 18,757 | 84,352 | 9,705 |
| Mushrooms..... | 145,163 | 28,038 | 9,429 | 2,702 | 833,671 | 166,539 | 403,374 | 96,948 |
| Tomatoes..... | 2,788,221 | 125,296 | 117,618 | 6,722 | 50,561,036 | 2,009,358 | 17,926,818 | 856,249 |
| Tomato paste and sauce..... | 842,180 | 75,399 | 32,975 | 3,361 | 6,252,925 | 490,804 | 3,743,109 | 333,555 |
| Other vegetables..... | 36,591 | 1,898 | 23,205 | 2,091 | 197,066 | 9,901 | 204,571 | 13,024 |
| Fruit: | | | | | | | | |
| Pineapple, dutiable..... | 3,941,118 | 156,528 | 6,162,819 | 264,107 | 26,941,220 | 1,207,359 | 31,526,859 | 1,468,938 |
| Pineapple, free (Philippines)..... | | | 6,039,958 | 282,809 | 44,632,393 | 1,671,567 | 48,279,151 | 2,612,172 |
| Mandarin oranges..... | | | 1,233,560 | 83,590 | | | | |

Firms Admitted to Membership in Association

The following firms have been admitted to membership in the Association since October 26, 1940:

Air Line Packing Co., Edgerton, Ohio.
Alaska Sea Foods Co., Point Roberts, Wash.
American Sardine Co., Benicia, Calif.
Audubon Canning Co., Audubon, Iowa.
R. K. Barter Canneries, Inc., Stonington, Maine.
Boardway Canning Co., Wrangell, Alaska.
Citrus Concentrates, Inc., Dunedin, Fla.
Columbia Canning Co., Cambria, Wis.
E. E. Edenfield Co., Lakeland, Fla.
Fair View Packing Co., Inc., Hollister, Calif.
Floriorange Canneries, Inc., Mt. Dora, Fla.
Fort Smith Products Co., Fort Smith, Ark.
Hoosier Tomatoes, Inc., Bargersville, Ind.
Hungerford Packing Co., Hungerford, Pa.
Kessler & Bagnetto Canning Co., Donna, Texas.
Lange Canning Corporation, Eau Claire, Wis.
Lee County Packing Co., Fort Myers, Fla.
Lodi Canning Co., Lodi, Wis.
Polk Packing Association, Winter Haven, Fla.
Edward G. Ruff, Delta, Pa.
R. B. & C. G. Stevens, Jonesport, Maine.
Sunshine Foods, Inc., Winter Haven, Fla.
J. B. Swayne & Son, Kennett Square, Pa.
Wenatchee Valley Foods, Inc., Cashmere, Wash.

New Bulletin on Tomatoes Published

A bulletin on tomatoes has just been published by the Association's Raw Products Bureau and has been mailed to all member canners of tomatoes and tomato products. It contains information relating to this crop derived from experiments conducted by the agricultural experiment stations in a number of States and published by the stations in annual reports of their work.

The bulletin is designed to help canners and their field men keep up to date on the progress in research that deals with production problems. Such subjects are discussed in this publication as the adaptation of varieties to certain localities, results of studies on control of defoliation diseases, and effect of certain fertilizers on yield. There is included also a list of the bulletins and circulars on tomatoes issued by State and Federal agencies during the past year, with short descriptions of their contents. Articles in scientific journals are also mentioned, and an indication given of the objectives scientists are aiming toward in their experiments with tomatoes.

The Raw Products Bureau will be glad to send members additional copies upon request.

Ralph Kemp of Indiana Dies Suddenly

Ralph Kemp of the Kemp Bros. Packing Co. at Frankfort, Ind., died suddenly January 2, according to a telegram received Friday by the Association. Mr. Kemp's firm was one of the oldest canning companies in Indiana, and Mr. Kemp spent his lifetime in the canning industry.

He had been active for many years in the work of the National Canners Association, serving on the Board of Directors, the Administrative Council, and numerous committees.

Federal Trade Commission Report Issued

The Federal Trade Commission has submitted to Congress its 26th annual report covering activities during the fiscal year 1939-40.

Renewing its previous repeated recommendations that Congress amend the corporate stock acquisition provision of the Clayton Act, the Commission points out that that provision (section 7 of the Act) as it stands today is a practically impotent instrument to halt or reverse a steady trend toward consolidation of competing corporate entities and the resultant concentration of economic power.

The press announcement of the Commission states that "substantial progress is reported in connection with Commission studies of corporate business statistics and accounting methods and practices.

"Under legal activities, the report shows favorable results in 42 out of the 45 Commission cases reaching the Federal courts during the fiscal year and a continuing heavy volume of legal cases due in part to the false advertising and other provisions which were incorporated in the Federal Trade Commission Act by the Wheeler-Lea amendment of 1938.

"The Commission made almost 1,900 preliminary investigations in connection with its legal cases, or an increase of about 250 over the last preceding fiscal year; issued 331 complaints in formal proceedings against companies, associations or individuals, alleging various forms of unfair competition or unfair, deceptive or other unlawful acts or practices; accepted 575 stipulations to cease and desist from various practices from parties against whom informal proceedings had been instituted, and issued orders to cease and desist from unlawful practices, which had been previously alleged in complaints, in a net total of 281 cases.

"Further Commission activities reported are the promulgation of trade practice conference rules for a dozen important industries; the review of some 300,700 newspaper and magazine advertisements and 685,000 radio broadcast continuities for possible misleading advertising matter; the receipt of export trade papers from 54 associations operating under the Export Trade (Webb-Pomerene) Act whose exports in 1939 totaled more than \$237,000,000, an increase of 47 per cent over 1938; and preparation of some 15 reports on the existence of monopolistic practices in certain American industries for the use of the Temporary National Economic Committee."

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